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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,384	01/31/2002	Yoshinori Abiko	NEC2790-US	7482

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VIENNA, VA 22182-3817

EXAMINER

NAWAZ, ASAD M

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/059,384

Applicant(s)

ABIKO, YOSHINORI

Examiner

Asad M Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-6 are presented for examination.
2. The references as filed within the Information Disclosure Statement (PTO Form 1449) have been considered.
3. Acknowledgment is made of applicant's claim of foreign priority.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto et al (US Patent No. 6,763,334) hereinafter referred to as Matsumoto.

As to claim 1, Matsumoto teaches an advertising system having an advertising server which offers advertising service, a plurality of first terminals which provide advertisements of companies to said advertising server, and a plurality of second terminals of customers which obtain said advertisement from said advertising server, said advertising server, said first terminals, and said second terminals are connected to a communication network, wherein said advertising server comprising:

a first means for disclosing detail information of advertising service offered by said advertising server, on said communication network, (Abstract; Figs 3 and 4; col 1, lines 39-43)

a second means for receiving from said first terminals advertising request information for requesting to advertise on said communication network, (Abstract; Figs 3 and 4; col 1, lines 43-50)

a third means for generating advertisement selection information for causing said customers to select said advertisements based on said advertising request information received from said first terminals, and disclosing said advertisement selection information on said communication network, (Abstract; Figs 3 and 4; col 1, lines 54-67 and col 2, lines 1-2)

a fourth means for receiving from said second terminal selection information which said customer selects from said advertisement selection information, (Abstract; Figs 3 and 4; col 2, lines 3-26)

a fifth means for sending to said second terminal an advertisement which said customer selected, in accordance with said selection information received from said second terminal so as to perform advertising service, (Abstract; Figs 3 and 4; col 2, lines 3-26)

and a sixth means for sending to said first terminal billing information for demanding payment with respect to said advertising service by said advertising server. (Abstract; Figs 3 and 4; col 1, lines 50-53)

Claims 3 and 5 are essentially the method and computer program for the above claimed system and are thus rejected under similar rationale.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al (US Patent No. 6,763,334) hereinafter referred to as Matsumoto further in view of Gupta et al (US Patent No. 6,487,538)

As to claim 2, Matsumoto teaches an advertising system having an advertising server which offers advertising service, a plurality of first terminals which provide advertisements of companies to said advertising server, and a plurality of second terminals of customers which obtain said advertisement from said advertising server, said advertising server, said first terminals, and said second terminals are connected to a communication network, wherein said advertising server comprising:

a first means for disclosing detail information of advertising service offered by said advertising server, on said communication network, (Abstract; Figs 3 and 4; col 1, lines 39-43)

a second means for receiving from said first terminals advertising request information for requesting to advertise on said communication network, (Abstract; Figs 3 and 4; col 1, lines 43-50)

a third means for generating advertisement selection information for causing said customers to select said advertisements based on said advertising request information received from said first terminals, and disclosing said advertisement selection information on said communication network, (Abstract; Figs 3 and 4; col 1, lines 54-67 and col 2, lines 1-2)

a fourth means for receiving from said second terminal selection information which said customer selects from said advertisement selection information, (Abstract; Figs 3 and 4; col 2, lines 3-26)

a fifth means for sending to said second terminal an advertisement which said customer selected, in accordance with said selection information received from said second terminal so as to perform advertising service, (Abstract; Figs 3 and 4; col 2, lines 3-26)

a sixth means for sending to said first terminal first billing information for demanding payment with respect to said advertising service by said advertising server, (Abstract; Figs 3 and 4; col 1, lines 50-53)

However with regard to the limitation, "and a seventh means for sending to said second terminal second billing information for demanding payment with respect to said advertising service by said advertising server", Matsumoto does not explicitly indicate the client being charged.

Gupta et al teaches, a seventh means for sending to said second terminal second billing information for demanding payment with respect to said advertising service by said advertising server.(col 4, lines 26-36)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gupta et al into those of Matsumoto to make the system more versatile. Enabling the system to charge the user for the services requested/subscribed for will allow the advertiser, the agent, and the consumer to collaborate in buying, selling, and trading goods of all nature.

Claims 4 and 6 are essentially the method and computer program for the above claimed system and are thus rejected under similar rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AMN


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER